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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,999	09/18/2003	Hiroyuki Sekiguchi	03886/0200069-US0	4605

7278 7590 01/12/2005		EXAMINER
DARBY & DARBY P.C.		STONE, JENNIFER A

ART UNIT	PAPER NUMBER
2636	

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DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover she t with the correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-5_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) _2-4_ is/are allowed.

6)☒ Claim(s) _1_ is/are rejected.

7)☒ Claim(s) _5_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _18 September 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _December 29, 2003_.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Objections

1.   Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because

a multiple dependent claim should refer to other claims in the alternative only and

cannot depend from any other multiple dependent claim. See MPEP § 608.01(n).

Accordingly, the claim has not been further treated on the merits.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Buchanan et

al. (US 2004/0167717).

Buchanan discloses a vehicle surroundings monitoring apparatus for monitoring

surroundings of an own vehicle, comprising: imaging means for taking picture images

and for outputting image information (paragraph 0048, lines 1-6; Fig. 6, item 100); radar

means (parag 0048, ln 6; Fig. 6, item 103); first solid object detecting means for

detecting first solid objects based on said image information (paragraph 0048, lines 1-6;

Fig. 6, item 100); second solid object detecting means for detecting second solid objects

based on signals from said radar means (parag 0048, lns 6-11); fusion solid object

establishing means for establishing fusion solid objects by fusing said first solid objects

and said second solid objects (parag 0048, lns 11-15; Fig. 6, item 104) reliability judging

means for judging whether or not said fusion solid objects have a specified level of

reliability (parag 0063 and 0064); and preceding vehicle selecting means for selecting a

preceding vehicle from said fusion solid objects having said specified level of reliability

(parag 0001, lns 6-8; parag 0065).

Allowable Subject Matter

4.   <u>Claims 2-4</u> are allowed.

Conclusion

5.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Shuman et al. (US 6,353,785) discloses an adaptive cruise control (ACC) system

that includes sensor fusion and reliability (confidence level) data.

Russell et al. (US 2002/0049539) discloses an ACC system with forward radar

and object identification fusion and reliability data.

Levin et al. (US 2003/0102997) discloses radar detection for an ACC system

incorporating sensor fusion and reliability (threat) data.

Lutter et al. (US 2003/0201929) discloses sensor fusion with radar, image, and

reliability data.

Stopczynski (US 6,721,659) discloses radar detection for an ACC system incorporating sensor fusion and reliability (threat) data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone
December 23, 2004

JEFFERY HOFSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600